



UP – Urban Place District

Section 7-8-26 – Unified Development Ordinance City of Asheville Zoning Districts

(a) *Purpose.* The Urban Place District is established to foster higher density, mixed-use development that is economically viable, pedestrian oriented, visually attractive and contributing to the place making character of the city. The Urban Place District is designed to provide new development and redevelopment opportunities in the form of mixed-use structures that relate to the street, enhance the streetscape, and offer a wide range of complementary land uses and employment opportunities. The Urban Place District is intended primarily for use in areas currently or potentially affected by blight or neglect, or where the design and appearance of the built environment is important to the vitality of the area. Typical application of this district will be in areas planned for high intensity mixed use development with sufficient infrastructure to support this type of development. There should be general compatibility with either an established plan or plans or with the existing or historic development pattern in applying this district.

The Urban Place District has special application to properties located in or near the flood plain for the French Broad and Swannanoa Rivers. It is important here to celebrate, conserve, promote and manage the river areas. Balancing economic development in the river corridors with environmental protection is our future. The rivers are our last great treasure enhancing our unique sense of place. The Wilma Dykeman Riverway Master Plan and urban riverfront corridor plans acknowledge that businesses will choose where to locate based on the availability of quality of life amenities, such as our rivers and parks. Low impact sustainable development that offers a variety of land uses and housing types and prices will leverage public open space for flood control and storm water retention. The flood plain is a sensitive resource that must be protected while providing for the opportunity for enjoyment of the river area by the citizens of the community. These regulations are intended to complement the Wilma Dykeman Riverway Master Plan and other river related plans and ordinances including but not limited to local, state and federal floodplain and stormwater ordinances.

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(b) *Permitted uses.*

Residential.

- Dwellings, multi-family
- Dwellings, single family attached

Recreational.

- Arboretums
- Passive parks
- Recreational uses, commercial indoor
- Recreational uses, governmental
- Recreational uses related to residential development

Institutional.

- Adult day care centers
- Assisted living facilities
- Children day care centers
- Civic, social service, and fraternal facilities
- Churches and other places of worship
- Colleges and universities
- Libraries
- Schools
- Vocational and training schools

Public/semi-public.

- Amphitheaters and auditoriums
- Community centers
- Fire and police stations (excluding protective services)
- Government buildings
- Libraries
- Museums
- Parks and greenways
- Performance centers
- Post offices (no distribution centers)
- Public utilities and related facilities

Office/business.

- Bakeries
- Barber shops and salons
- Bed and breakfast inns
- Bicycle shops
- Boardinghouses
- Bookstores
- Candy, pastry, ice cream and snack shops

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Clinics, medical, dental, psychiatric, optical
Clinics, veterinary
Convenience stores
Copying centers
Cottage industries
Delicatessens
Distributive businesses
Financial institutions
Flea markets, indoors
Florists
Fruit and vegetable markets
Gift shops
Grocery stores
Hardware/garden supply stores
Health and fitness facilities
Home occupations
Instructional services
Laboratories
Laundry and dry cleaning establishments
Light industrial and assembly
Lodging facilities
Offices
Pharmacies
Printing and publishing
Pubs
Radio and television studios
Rental businesses
Research and technology production
Residential related commercial service
Restaurants
Retail sales
Studios, galleries, and workshops for artists, craftspeople,
designers, photographers
Tailors/dressmaker shops
Taxi stands
Theaters
Video rental stores
Wholesale sales

Other.

Accessory structures
Parking decks

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(c) *Prohibited uses.* Any use not specifically listed as a permitted use, use by right subject to special requirements, or a conditional use in the Urban Place District is prohibited.

Gated communities. This shall not include those gated communities lawfully established prior to June 12, 2007, or extend to those properties acquired as part of such communities prior to June 12, 2007, provided it can be demonstrated that these properties were included in a documented community masterplan.

(d) *Uses by right, subject to special requirements.*

Dwellings, single-family detached

Telecommunication towers using concealed, wireless or microcell technology

(e) *Conditional uses.*

Level III projects incorporating uses permitted in the Urban Place District.

(f) *Development standards.*

(1) *Density standards.* Maximum residential density shall be 64 units per acre.

(2) *Building size:* Building size is limited to: A maximum footprint of 35,000 square feet, with a maximum gross floor area of 100,000 square feet for buildings three stories or less in height; and a maximum footprint of 50,000 square feet, with a maximum gross floor area of 200,000 square feet for buildings exceeding three stories.

(3) *Lot size:* Minimum lot size: 10,000 square feet. This requirement may be waived by the technical review committee for smaller lots that are determined to further the purpose of the Urban Place District.

(4) *Lot width:* Minimum lot width: 75 feet. This requirement may be waived by the technical review committee for narrower lots that are determined to further the purpose of the Urban Place District.

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(5) *Setback standards.*

Front and street side: Minimum zero feet and maximum 15 feet from right-of-way line, except as follows: Front and street sides adjacent to proposed Wilma Dykeman Riverway (currently, Swannanoa River Road, Thompson Street, Meadow Road, Lyman Street, and Riverside Drive) shall observe a build-to line consistent with the projected road-widening plan and/or limits of floodway designation; this line shall be determined by the planning and development director after consultation with the city engineer and may vary depending on the road segment affected by the widening plan. In appropriate circumstances, the planning and development director may increase the setback line from the right-of-way or build-to line based upon an assessment of topographic, flood hazard, significant existing vegetation, or other significant site constraints or features.

Side: None

Rear: None

- (6) *Height standards.* Minimum two stories and maximum six stories or 80 feet, whichever is greater.
- (7) *Impervious surface standards.* The maximum impervious surface coverage in the Urban Place District shall be 95 percent unless the property is located within the designated 100-year special flood hazard areas.
- (8) *Landscaping/buffering standards.* Landscaping and/or buffering shall be provided as required by section 7-11-3 of this chapter with the exceptions noted below. In the Urban Place District, street trees may be provided in the front building setback or the street right-of-way (with an approved encroachment agreement) as a part of a streetscape plan that may be proposed or in place for the corridor. The planning and development director may grant alternate compliance as outlined in subsection 7-11-3(b)(3) in order to provide appropriate buffers for the purpose of compatibly integrating the Urban Place District development into the surrounding land use pattern.
- (9) *Parking/loading standards.* Parking and loading facilities shall be provided as required by section 7-11-2 of this chapter with the following additions:

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- a. Parking shall be provided at the side or rear of the structure and not closer to the street than the face or edge of the structure. On corner lots, the side of the building that fronts on the secondary street is also considered a front or face of the building.
- b. Parking may be provided in the street right-of-way adjoining the property as on street parking with the approval of the city traffic engineer or the North Carolina Department of Transportation.
- c. Uses in the Urban Place District are permitted up to a 50 percent reduction in the minimum number of parking spaces required by section 7-11-2 of this chapter provided that transit shelters, pedestrian amenities and/or bike racks are provided and such amenities are determined by the planning and development director to offer significant multimodal transportation accessibility to, from, and within the development. Pedestrian amenities may include but are not limited to wide sidewalks, public courtyards, and public park areas.
- d. Shared and remote parking is encouraged and may count for up to 100 percent of the required parking so long as the parking is within 500 feet of the property. Parcels that are sharing parking areas or providing remote parking shall bring the parking lots into compliance with parking and landscaping requirements found in article 11 [of the UDO], at a minimum, the area that is provided as a part of the shared use. Rules requiring that shared and remote parking areas must be found in the same zoning classification are waived in the Urban Place District. Residentially zoned areas may not be used to provide shared or remote parking space for this district except that nonresidential uses in residential districts may be used. Parcels will require a recorded agreement for the shared or remote parking arrangement.
- e. Parking structures may be provided as a secondary use in meeting a project's parking requirements; such structures may contain more than the maximum number of spaces required for the associated use(s) if there are shared parking or commercial parking arrangements acceptable to the planning and development director.

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- (10) *Sidewalk standards.* Sidewalks shall be provided as required by and pursuant to the requirements for sidewalks as set forth in section 7-11-7 of this chapter, except that a minimum width of ten feet shall be provided unless precluded by topographic or dimensional constraints as determined by the city engineer and planning director. In addition, sidewalk connections may be required to ensure and provide a safe passageway for pedestrians and patrons to maneuver through the parking area to the entrance of the businesses. If internal cross-access is provided between businesses and parcels, then sidewalks shall also be provided along accessways as needed to insure pedestrian connectivity.
- (11) *Open space standards.* Open space shall be provided as required by section 7-11-4 of this chapter, except in no case shall the total required open space exceed five percent of the lot area. Public sidewalk spaces two or more feet wider than the minimum requirement and featuring public-pedestrian amenities, outside dining facilities and pocket parks are encouraged and may count toward open space requirements. Donations of land for green space and greenways is also encouraged.
- (12) *Design and operational standards.*
- a. *Orientation.* The front of the building shall be orientated towards the primary access corridor. Building sides should appear similar to their fronts. On corner lots the building or portions of the building must be located at the street corner respecting setback standards unless prohibitive terrain issues are present.
 - b. *Entrances.* All buildings shall include a well-defined operable entrance at regular intervals not exceeding 60 feet on each primary facade to encourage access by pedestrians. Secondary entrances may face second tier streets, driveways or parking areas. Buildings on corner lots may place the entrance at the corner, eliminating the need for dual entrances.
 - c. *Windows.* Windows shall be evenly distributed at pedestrian level across the length of the facade on the first floor of the building. Windows will create a more effective pedestrian environment if they are un-tinted and non-reflective. Windows shall make up at least 40 percent of the area of the street-facing first story facade. Upper floors

shall have windows evenly distributed across the facade that may differ in size and proportion from the street level windows. Upper story windows shall make up at least 25 percent of the wall surface. All storefront windows shall be transparent or lightly tinted and shall not appear false or applied. Windows are also required along the sides of structures that are visible from roadways or have surface parking lots located adjacent to them.

- d. *Facades.* When new building facades will be wider than 60 feet, the facade surface shall be subdivided into portions not exceeding this distance by varying setbacks, roof forms, or adding design details such as pilasters or other architectural treatments.
- e. *Variances.* Requests for variances of the design and operational standards set forth in this subsection may be granted by the Asheville Planning and Zoning Commission, which is hereby designated to perform the duties of a board of adjustment for this purpose. Requests for variances shall be submitted to the planning and zoning department and considered by the planning and zoning commission at their next available regularly scheduled meeting.

(13) *Access and connectivity standards.* As determined by the planning and development director, sites that are of sufficient size, location and are topographically workable require a network of internal streets and driveways. Shared access and cross-access with adjoining properties instead of access from the corridor is required where practical to improve and sustain the capacity of the corridor, reduce the number of curb cuts, ensure driver and pedestrian safety, improve the unity of the streetscape, and encourage pedestrian mobility. Stub out connections to neighboring parcels may be constructed if cross access is not available at time of permit approval. Block lengths shall not exceed 600 feet unless precluded by topography or existing block patterns.

(14) Special requirements for properties located within the designated 100-year special flood hazard areas along either the French Broad or Swannanoa Rivers and their adjacent tributaries,

- a. Properties abutting the river shall provide a setback from the top of the river bank of 20 percent of the lot with a

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maximum depth of 50 feet and a minimum depth of 25 feet. This area is called the river resource yard.

- b. The river resource yard shall not be graded and all existing native trees shall be preserved in order to maintain the river bank and protect existing trees. Diseased trees and shrubs may be pruned leaving roots alive and intact and dead trees removed. Greenways, passive recreation areas and other river access areas may be constructed within the river resource yard.
- c. The maximum impervious surface coverage for the flood zone properties shall be 80 percent. Special site and development features such as but not limited to green roofs and other best management practices (BMPs) for storm water collection and treatment may be considered such that their net effect is to provide 80 percent or less impervious surface coverage as reviewed and approved by city engineering department.
- d. The speculative grading of land within the designated 100-year special flood hazard area is prohibited.
- e. *River district design guidelines:* All construction work requiring building, sign, demolition, and zoning permits and projects requesting a variance shall be subject to the mandatory review/voluntary compliance procedure as set forth in article V of this chapter.
- f. *Sustainable design:* In order to protect the environmental resources of Asheville's riverfront and to ensure that buildings and structures built or renovated in this area are done in an environmentally sound way, the City of Asheville encourages that all design and construction follow the Leadership in Energy and Environmental Design (LEED™) Commercial Green Building rating system, or other related LEED™ Rating System, approved by the U.S. Green Building Council.
- g. *Elevated buildings:* For buildings that are elevated to comply with requirements of the 100-year special flood hazard areas:
 - 1. Parking may occur under the building. Screening of the parking area is required between adjacent right

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of way areas and the structured parking unless floodplain requirements will not allow for this to occur.

2. Window detailing requirements at the ground level are waived. A connecting feature from the right-of-way area to the main level of the elevated structure is recommended.

(15) *Emergency wireless communications.* Communication requirements shall be provided as required by section 7-11-9 of this chapter.

(Ord. No. 3216, § 1, 2-22-05; Ord. No. 3262, § 1(c), 7-12-05; Ord. No. 3445, § 1, 2-27-07; Ord. No. 3483, § 1(b), 6-2-07; Ord. No. 3583, § 1(a), 2-12-08; Ord. No. 3643, § 1a, 7-22-08)